

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RODNEY D. HARRISON,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

CIVIL CASE NO. 06-10393

HONORABLE PAUL V. GADOLA
U.S. DISTRICT JUDGE

ORDER ACCEPTING REPORT AND RECOMMENDATION

Now before the Court are Defendant's motion for summary judgment, filed July 20, 2006 and Plaintiff's motion for summary judgment, filed August, 11, 2006, and the Report and Recommendation of Magistrate Judge Mona K. Majzoub, filed on December 12, 2006. The magistrate judge's report and recommendation recommended that this Court grant Defendant's motion for summary judgment, deny Plaintiff's motion for summary judgment, and dismiss Plaintiff's complaint. The Magistrate Judge also notified the parties that any objections must be filed within ten days of service. No party has filed objections to the report and recommendations.

The Court's standard of review for a magistrate judge's report and recommendation depends upon whether a party files objections. If a party does not object to the report and recommendation, the Court does not need to conduct a review by any standard. *See Lardie v. Birkett*, 221 F. Supp. 2d 806, 807 (E.D. Mich. 2002) (Gadola, J.). As the Supreme Court observed, "[i]t does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings." *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Because neither party filed timely objections to Magistrate Judge

Capel's report and recommendation, *see* 28 U.S.C. § 636(B)(1)(c); Fed. R. Civ. P. 6(e), this Court need not conduct a review.

ACCORDINGLY, IT IS HEREBY ORDERED that the Report and Recommendation [docket entry 18] is **ACCEPTED** and **ADOPTED**; Defendant's motion for summary judgment [docket entry 13] is **GRANTED**; Plaintiff's motion for summary judgment [docket entry 17] is **DENIED**; and Plaintiff's complaint is **DISMISSED**.

SO ORDERED.

Dated: January 24, 2007

s/Paul V. Gadola
HONORABLE PAUL V. GADOLA
UNITED STATES DISTRICT JUDGE

Certificate of Service

I hereby certify that on January 24, 2007, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

Janet L. Parker, and I
hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants: Rodney D. Harrison.

s/Ruth A. Brissaud
Ruth A. Brissaud, Case Manager
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